

## REMARKS

Claims 1-15 and 17-18, as amended, are currently pending for the Examiner's review and consideration. Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn. Claims 16, 19, and 20 have been canceled.

Applicant has amended the specification to insert headings at appropriate locations.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### Rejections of Claims 1-20 under 35 U.S.C. § 103(a)

Claims 1-12, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,078,908 to Schmitz in view of U.S. Patent No. 5,675,630 to Beatty. Similarly, claims 13, 14, 17, 18, 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmitz in view of U.S. Pub. No. 2001/0027449 to Wright.

Independent claims 1, 13 and 14 have been amended to better define the invention. Claim 1 has been amended to recite *inter alia* that (i) the method therein is carried out using less than four devices, including a mobile terminal and identification module, and (ii) the action code generated by the identification module is transmitted directly to the mobile terminal. Likewise, claims 13 and 14 have each been amended to recite *inter alia* that (i) the method therein is carried out using less than four devices, including a mobile terminal, identification module, and payment terminal, and (ii) the transaction code generated by the identification module is transmitted to the payment terminal and directly to the mobile terminal. Support for these claim amendments can be found in FIGS. 1 and 2, among other places, of the originally filed specification. More specifically, supports for the amendments to claim 1 can be found in FIGS. 1 and 2, steps 5, 50, 6, 60, 7, 70 and 10, and devices 11 and 2. Supports for the amendments to claims 13 and 14 can be found in FIGS. 1 and 2, steps 5, 50, 6, 60, 7, 70, 700, 8, 8', 80, 800, 20, 20' and 10, devices 11, 2 and 3. Thus, no new matter has been added.

Schmitz, the primary prior art reference, relates to an authorization request process but it fails to disclose an important element of independent claims 1, 13 and 14, as amended, *i.e.* the step of transmitting an action code or transaction code directly from the identification module to the mobile terminal. In other words, independent claims 1, 13 and 14 concern methods wherein the

mobile terminal is responsible for both transmitting an authorization request *and* directly receiving the authorized action code or transaction code. In contrast to the streamlined methods recited in independent claims 1, 13 and 14, Schmitz concerns a complex authorization request process (shown in FIG. 1, reproduced below) that involves four different devices: a data input apparatus 1, an authorization computer 2, a receiver 3, and a receiver unit 4.

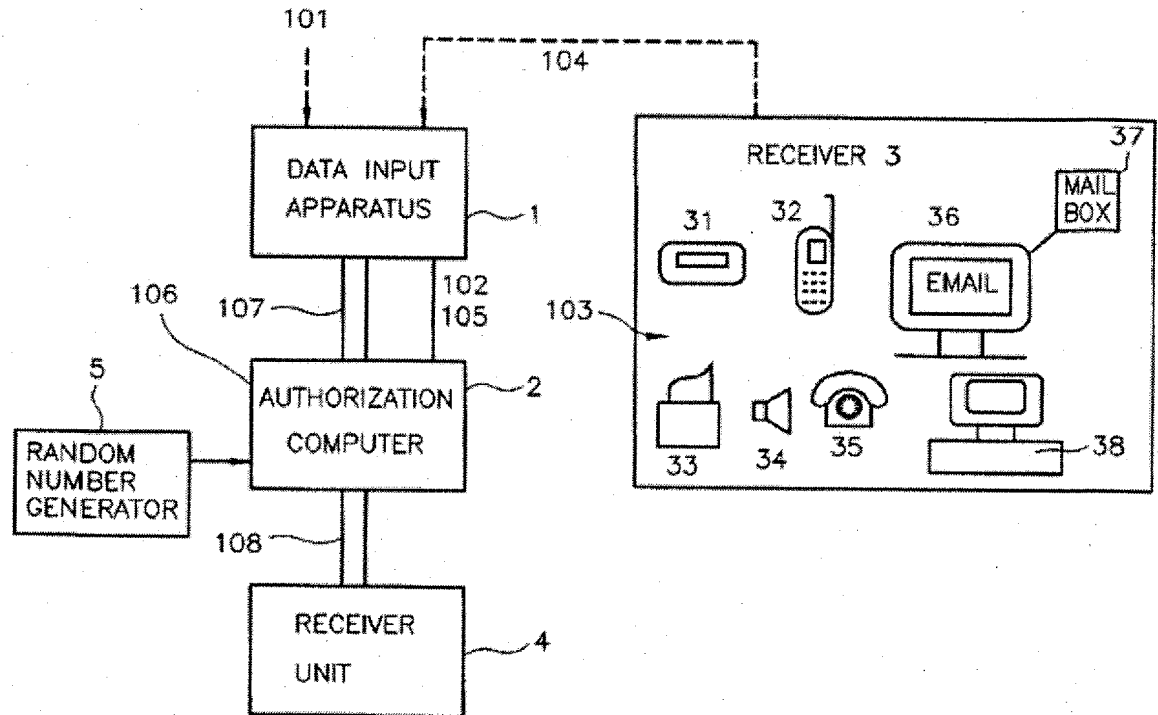


Fig. 1

Of particular relevance is the fact the data input apparatus 1, which a user employs to send an authorization request to authorization computer 2, is a *different device* than receiver 3, which the user employs to read a transaction authorization number (TAN) or comparable password generated by authorization computer 2. Thus, unlike the direct transmission of an action code or transaction code to a single mobile terminal in the presently claimed invention, Schmitz concerns the indirect transmission of a TAN or comparable password back to the requesting device, *i.e.* the data input apparatus. Particularly, the user must take the additional step of entering the transaction authorization number (TAN) or comparable password into the data input apparatus 1 after it is read from receiver 3. Thus, the generated information takes a more complex path back to the data input apparatus 1. Such a methodology is disadvantageous because the user must do supplemental work, which causes the user to expend more time and encounter a greater rate of error.

Moreover, even after the TAN or comparable password is eventually entered into data apparatus 1, the authorization request process of Schmitz must undergo additional steps before communication can be established between data input apparatus 1 and receiver unit 4. More particularly, the TAN or comparable password must be sent from the data input apparatus 1 once again to the authorization computer 2 where it must be verified. If the TAN or comparable password is verified, then communication between the data input apparatus 1 and receiver unit 4 can be finally established. Thus, unlike the presently claimed process, the authorization request process of Schmitz involves two separate uses of the data input apparatus 1: (i) a first request for a TAN or comparable password, and (ii) a second input of the TAN or comparable password after it is received. The multiple steps and multiple devices of Schmitz provide multiple opportunities of error, and thus teach clearly away from the streamlined methodology of the present invention.

The deficiencies of Schmitz are not overcome by either the Beatty or Wright references. The Examiner asserts that Beatty discloses the step of selecting a desired action type by menu control on a mobile terminal. Indeed, Beatty shows that all software may be driven by function keys on a cellular phone or via a computer keyboard which directs the user through options in a logical, orderly fashion, whereby the application software used for selecting, editing, and configuring new and existing NAMs, phone books and speed dial directories is typically menu-driven. See Schmitz, column 5, lines 11-13. However, the combination of Schmitz and Beatty cannot render obvious independent claim 1 because Schmitz is still directed to a methodology wherein the requested authorization code is indirectly transmitted back to the data input apparatus 1. In other words, having menu control would not solve the deficiency of Schmitz's method, *i.e.* the complexity of reading information out of a receiver 3 and entering this information in a data input apparatus 1 by the user.

The Examiner further asserts that Wright discloses a method for handling a procedure between a user of a mobile terminal and a payment recipient. Indeed, Wright shows an embodiment where an IICSP (instantaneous Internet charging services provider) acts as a financial intermediary between the consumer and a service provider by including one or more software components to affect payment charging and collection. But the exemplary software component cited in Wright gathers credit or debit card information from the consumer and submits the same to the proper payment processing centre to process the charge at the end of the billing period for the consumer (see Wright, paragraph [0045]). This disclosure in Wright, cited by the Examiner, contrasts with the

methods of claims 13 and 14 given that the latter involve transmitting a transaction code to a payment terminal right before the payment procedure. Thus even a combination of Schmitz and Wright does not render obvious independent claims 13 and 14.

In order for an obviousness rejection to be appropriate under § 103(a), the combination of references must teach or suggest all of the limitations of a particular claim. However, for the reasons stated above, Schmitz in view of Beatty does not teach all of the limitations of independent claim 1 and Schmitz in view of Wright does not teach all of the limitations of independent claims 13 and 14. Thus, independent claims 1, 13 and 14 are not rendered obvious. Because claims 1-12, 15, 17 and 18, all depend upon allowable claims 1, 13 and 14 and recite further limitations thereto, they are therefore patentable for that reason alone. Claims 16, 19 and 20 have been cancelled and thus their rejection has been rendered moot. Applicant reserves the right to further support the patentability of these dependent claims, should that become necessary.

#### **Rejections of Claims 16, 19, 20 under 35 U.S.C. § 101**

Claims 16, 19 and 20 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Applicant has canceled claims 16, 19 and 20, and thus their rejection has been rendered moot and respectfully request its withdrawal.

#### **Rejection of Claim 9 under 35 U.S.C. § 112, ¶ 2**

Claim 9 has been rejected 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserts that the claim limitation "network information" lacks sufficient antecedent basis. Accordingly, the Applicant has corrected the dependency of claim 9 such that it now depends upon claim 8. Thus, Applicant believes that this rejection has been properly addressed and respectfully request its withdrawal.

#### **Objections to Claims 8 and 12**

Claims 8 and 12 are objected to because they were in non-standard English. Applicant has corrected this informality, and thus respectfully requests the withdrawal of the claim objections.

### CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Applicant believes that no fees or petitions for extensions of time are due in connection with the submission of this Response. If any extension of time is required, it is hereby petitioned for under 37 C.F.R. § 1.136, and if any other required fee is due, the Commissioner may charge appropriate fees to H.T. Than Law Group, Deposit Account No. 50-1980.

Respectfully submitted,

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